

A.1

Designation Run Report

# Cox, Darren - Merged DA PC DC 7-10-21 11am

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Cox, Darren 07-15-2020

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Defendants' Affirmatives 00:40:43

Plaintiffs' Counters 00:07:55

Defendants' Completeness 00:04:29

Plaintiffs' Completeness 00:07:38

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Total Time 01:00:44



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Page/Line	Source	ID
10:03 - 10:12	<b>Cox, Darren 07-15-2020 (00:00:25)</b> 10:3 Can you please state your name and 10:4 address for the record. 10:5 A. Yes. My name is Darren Cox. 10:6 Q. And where do you live, Special Agent 10:7 Cox? 10:8 A. Arlington, Virginia. 10:9 Q. What is your current job title? 10:10 A. Supervisory special agent. 10:11 Q. And that's with the FBI, correct? 10:12 A. Yes.	VM32.1
10:21 - 11:06	<b>Cox, Darren 07-15-2020 (00:00:25)</b> 10:21 Q. Special Agent Cox, you previously 10:22 served as coordinator of the Huntington Violent 11:1 Crime and Drug Task Force; is that correct? 11:2 A. Yes. 11:3 Q. When did you begin in that role? 11:4 A. I began in that role, I believe 11:5 around November of 2012 and concluded around 11:6 April of -- or May of 2015.	VM32.2
28:12 - 28:21	<b>Cox, Darren 07-15-2020 (00:00:17)</b> 28:12 Q. Before you were subpoenaed to 28:13 testify in this case, had you ever heard of 28:14 McKesson Corporation? 28:15 A. No, I had not. 28:16 Q. Had you ever heard of Cardinal 28:17 Health? 28:18 A. No. 28:19 Q. Had you ever heard of 28:20 AmerisourceBergen Corporation? 28:21 A. No.	VM32.3
29:22 - 31:20	<b>Cox, Darren 07-15-2020 (00:01:29)</b> 29:22 Q. Sitting here today, can you identify 30:1 anything specific that McKesson Corporation has 30:2 done that is unlawful? 30:3 A. No. 30:4 Q. Can you identify anything specific 30:5 that McKesson Corporation has done that is 30:6 unreasonable? 30:7 A. No.	VM32.4

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	<p>30:8 Q. How about for Cardinal Health? Can      30:9 you identify anything specific that Cardinal      30:10 Health has done that is unlawful?      30:11 A. No.      30:12 Q. Can you identify anything specific      30:13 that Cardinal Health has done that is      30:14 unreasonable?      30:15 A. No.      30:16 Q. Can you identify anything specific      30:17 that AmerisourceBergen has done that is      30:18 unlawful?      30:19 A. No.      30:20 Q. Can you identify anything specific      30:21 that AmerisourceBergen has done that is      30:22 unreasonable?      31:1 A. No.      31:2 Q. Sitting here today, do you know      31:3 anything about any of the systems that the      31:4 defendants have in this case in place to      31:5 prevent diversion of prescription opioids?      31:6 A. I do not.      31:7 Q. Special Agent Cox, because you are      31:8 not familiar with those systems, you would not      31:9 be able to identify any apps attached to those      31:10 systems that you consider to be defective,      31:11 correct?      31:12 A. Correct.      31:13 Q. Do you know anything about what      31:14 information any of the defendants in this case      31:15 reported to the DEA?      31:16 A. I do not.      31:17 Q. Do you know anything about what      31:18 information any of the defendants in this case      31:19 reported to the State of West Virginia?      31:20 A. I do not.</p> <p>35:10 - 35:19 <b>Cox, Darren 07-15-2020 (00:00:22)</b></p> <p>35:10 Q. Yes, sure. Do you have an      35:11 understanding of whether prescription opioid      35:12 medications are medically appropriate for the      35:13 treatment of chronic pain?</p>	VM32.5
Defendants' Affirmatives	Plaintiffs' Counters	Defendants' Completeness

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	35:14 A. I understand medical doctors make 35:15 that determination. That's the best of my 35:16 knowledge.	
	35:17 Q. Based on your experience and 35:18 understanding, do you believe medical doctors 35:19 are in the best position to make that decision?	
36:12 - 36:13	<b>Cox, Darren 07-15-2020 (00:00:05)</b>	VM32.6
	36:12 THE WITNESS: All right. Yes.	
	36:13 Doctors make that determination.	
39:19 - 39:22	<b>Cox, Darren 07-15-2020 (00:00:05)</b>	VM32.7
	39:19 Q. Do you believe at one point, there 39:20 was an opioid epidemic in Cabell County, West 39:21 Virginia?	
	39:22 A. Yes.	
42:14 - 42:17	<b>Cox, Darren 07-15-2020 (00:00:06)</b>	VM32.8
	42:14 Q. What is your understanding of the 42:15 biggest drug threat facing Cabell County in 42:16 Huntington, West Virginia, when you left the 42:17 task force in 2015?	
43:04 - 43:05	<b>Cox, Darren 07-15-2020 (00:00:04)</b>	VM32.9
	43:4 THE WITNESS: It was a combination 43:5 of prescription drugs and heroin.	
43:07 - 43:11	<b>Cox, Darren 07-15-2020 (00:00:11)</b>	VM32.10
	43:7 Q. When you left the task force in 43:8 2015, was one of those two categories of drugs 43:9 that you just mentioned, prescription opioids 43:10 and heroin, a larger threat to Cabell County 43:11 and the City of Huntington?	
43:22 - 44:03	<b>Cox, Darren 07-15-2020 (00:00:14)</b>	VM32.11
	43:22 THE WITNESS: Yes. The drug problem 44:1 changed over time. It changed from, I would 44:2 say a higher percentage of prescription drugs 44:3 to heroin by the time that I had left.	
44:05 - 44:11	<b>Cox, Darren 07-15-2020 (00:00:19)</b>	VM32.12
	44:5 Q. So by the time you left the task 44:6 force in 2015, heroin was a largest threat to 44:7 the area?	
	44:8 A. You know, I would say that they were 44:9 -- I would say heroin probably was a larger 44:10 percentage than prescription drugs at the time	

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44:18 - 45:09	<p>44:11 I left.</p> <p><b>Cox, Darren 07-15-2020 (00:00:41)</b></p> <p>44:18 Q. Okay. So then your testimony and 44:19 your understanding is that there was a larger 44:20 percentage of heroin seizures and cases in 2015 44:21 compared to prescription opioid?</p> <p>44:22 A. Again, I want to be specific as far 45:1 as the seizures. You know, there would be 45:2 specific statistics of that that would reflect 45:3 that. So -- and again, I think it would be 45:4 relative as to the amount -- an amount of 45:5 heroin versus an amount of pills are different 45:6 amount, different quantities. A pound of 45:7 heroin versus a pound of pills are different 45:8 quantities, so I'm not sure I can answer that 45:9 question the way it's stated.</p>	VM32.13
45:10 - 45:18	<p><b>Cox, Darren 07-15-2020 (00:00:24)</b></p> <p>45:10 Q. Okay. That's fair. Well, you 45:11 previously testified that heroin was a larger 45:12 percentage at the time you left in 2015, so I 45:13 am trying to understand what you mean by that.</p> <p>45:14 A. Yes. I would -- I am basing that on 45:15 the number of investigations and the number of, 45:16 I guess, subjects that we would have worked 45:17 that would have been specifically selling 45:18 heroin as opposed to prescription drugs.</p>	VM32.14
45:19 - 46:12	<p><b>Cox, Darren 07-15-2020 (00:00:46)</b></p> <p>45:19 Q. Okay. So that's your understanding 45:20 that there was a larger percentage of 45:21 investigations and subjects in connection with 45:22 heroin compared to prescription drugs in 2015?</p> <p>46:1 A. Yes.</p> <p>46:2 Q. Special Agent Cox, are you familiar 46:3 with the phrase "diversion of pharmaceutical 46:4 drugs?"</p> <p>46:5 A. Yes.</p> <p>46:6 Q. What does that phrase "diversion" 46:7 mean?</p> <p>46:8 A. To me, the way that I am familiar 46:9 with it, the diversion is -- would be people</p>	VM32.15

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	46:10 using the -- obtaining a prescription for the 46:11 narcotics and then using them for an illegal 46:12 manner.	
47:10 - 48:03	<p><b>Cox, Darren 07-15-2020 (00:00:36)</b></p> <p>47:10 Q. So is it your understanding then 47:11 that diversion of pharmaceutical drugs is 47:12 always illegal?</p> <p>47:13 A. Yes.</p> <p>47:14 Q. So then the person who diverts a 47:15 pharmaceutical drug has committed a crime, 47:16 correct?</p> <p>47:17 A. Yes.</p> <p>47:18 Q. Do you have an understanding of 47:19 whether the use or possession of a diverted 47:20 pharmaceutical drug is a crime?</p> <p>47:21 A. Yes.</p> <p>47:22 Q. Just so there's no confusion, the 48:1 use or possession of a diverted pharmaceutical 48:2 drug is a crime, correct?</p> <p>48:3 A. Yes.</p>	VM32.16
49:10 - 52:08	<p><b>Cox, Darren 07-15-2020 (00:03:03)</b></p> <p>49:10 Q. How does diversion occur, Special 49:11 Agent Cox?</p> <p>49:12 A. My understanding is an individual 49:13 would go to a physician and receive a 49:14 prescription for whatever form of narcotics and 49:15 then they would take that prescription and sell 49:16 that prescription.</p> <p>49:17 Q. Are you familiar with the term 49:18 "doctor shopping?"</p> <p>49:19 A. Yes.</p> <p>49:20 Q. What does "doctor shopping" mean?</p> <p>49:21 A. Individuals that would go to 49:22 different doctors in order to obtain a 50:1 prescription.</p> <p>50:2 Q. Doctor shopping is a form of 50:3 diversion, correct?</p> <p>50:4 A. Yes.</p> <p>50:5 Q. Doctor shopping is illegal; is that 50:6 right?</p>	VM32.17

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50:7	A. My understanding is, the result of	
50:8	what they received from the doctor if they were	
50:9	going to sell that narcotic, then that would be	
50:10	illegal. I don't know if actually going to	
50:11	multiple doctors is illegal.	
50:12	Q. Okay. Fair enough. What about	
50:13	theft from a pharmacy. Is that a form of	
50:14	diversion?	
50:15	A. I'm sorry, can you repeat that.	
50:16	Q. Yes, sure. Theft from a pharmacy.	
50:17	Is that a form of diversion?	
50:18	A. I would assume if they stole	
50:19	prescription drugs that would be the purpose	
50:20	for that.	
50:21	Q. Okay. What about sharing pills with	
50:22	someone without a prescription. Is that a form	
51:1	of diversion?	
51:2	A. Yes.	
51:3	Q. I believe you already testified to	
51:4	this, but selling pills on the street, that's a	
51:5	form of diversion as well, correct?	
51:6	A. Yes.	
51:7	Q. How about a doctor who knowingly	
51:8	prescribes prescription opioids without a	
51:9	legitimate medical purpose. Is that a form of	
51:10	diversion?	
51:11	A. Yes, my understanding.	
51:12	Q. What about forging a prescription	
51:13	for opioids. Is that a form of diversion?	
51:14	A. Yes.	
51:15	Q. Can you think of any other ways that	
51:16	prescription opioids can be diverted besides	
51:17	the ones we have just gone over?	
51:18	A. I cannot.	
51:19	Q. And all the forms of diversion that	
51:20	we just reviewed are illegal, correct?	
51:21	A. Yes.	
51:22	Q. The licensed distribution of	
52:1	controlled substances is not diversion,	
52:2	correct?	

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52:3	A. From my understanding, yes.	
52:4	Q. So your understanding then is that a	
52:5	distributor like McKesson Corporation is not	
52:6	engaged in diversion when it delivers	
52:7	medication to a licensed pharmacy?	
52:8	A. Yes.	
57:06 - 57:08	<b>Cox, Darren 07-15-2020 (00:00:06)</b>	VM32.18
57:6	Q. When did you first join the FBI?	
57:7	A. I joined the FBI in December of	
57:8	2001.	
59:12 - 59:22	<b>Cox, Darren 07-15-2020 (00:00:34)</b>	VM32.19
59:12	When you joined in 2001, what was	
59:13	your title?	
59:14	A. Special agent.	
59:15	Q. What were your responsibilities when	
59:16	you were a special agent?	
59:17	A. Initially, I was assigned to the	
59:18	Phoenix Division of the FBI. My first	
59:19	assignment, I was assigned to a white collar	
59:20	squad which my responsibilities there were to	
59:21	investigate bank fraud -- primarily bank fraud	
59:22	investigations, criminal activity.	
61:20 - 62:04	<b>Cox, Darren 07-15-2020 (00:00:16)</b>	VM32.20
61:20	Q. Okay. So when did you leave the	
61:21	Phoenix office?	
61:22	A. I left the Phoenix office in	
62:1	December of 2009, I believe.	
62:2	Q. Where did you go after that?	
62:3	A. I transferred to Charleston, West	
62:4	Virginia.	
62:09 - 62:12	<b>Cox, Darren 07-15-2020 (00:00:07)</b>	VM32.21
62:9	Q. And what kind of work did you do	
62:10	when you transferred to the Charleston office?	
62:11	A. I was assigned to work	
62:12	counterterrorism investigations.	
63:07 - 64:10	<b>Cox, Darren 07-15-2020 (00:01:26)</b>	VM32.22
63:7	Q. I believe you testified that during	
63:8	that time period from 2001 to 2009, you did do	
63:9	some narcotics work in the Phoenix Division?	
63:10	A. Yes.	

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	<p>63:11 Q. Did you encounter prescription      63:12 opioids during that time?      63:13 A. Not that I can recall, not in a --      63:14 certainly not in a large volume, as a large a      63:15 volume as after I transferred to West Virginia.      63:16 Q. Okay. And from 2001 to 2009 in the      63:17 Phoenix office, did you encounter any illegal      63:18 opioids like heroin or fentanyl?      63:19 A. Yes.      63:20 Q. Was heroin a problem at that time?      63:21 A. Not -- yes, it's always a problem      63:22 but it was a relatively small problem and it      64:1 was a -- I would say a very, very small number      64:2 of investigations that we were -- that involved      64:3 heroin.      64:4 Q. When you say "heroin is always a      64:5 problem," what do you mean?      64:6 A. Well, any type of illegal drug I      64:7 believe was a problem, so if someone is using      64:8 any illegal drug, those have negative      64:9 consequences so, therefore, as an investigator,      64:10 it's problematic when people break the law.</p>	
64:11 - 64:19	<b>Cox, Darren 07-15-2020 (00:00:24)</b>	VM32.23
	<p>64:11 Q. Understood. And in your experience      64:12 in law enforcement and with the task force, are      64:13 most illegal drugs present in some volume at      64:14 all times?      64:15 A. Yes.      64:16 Q. But at certain times, certain      64:17 illegal drugs become more popular and more      64:18 prevalent; is that right?      64:19 A. Yes.</p>	
64:22 - 65:18	<b>Cox, Darren 07-15-2020 (00:00:50)</b>	VM32.24
	<p>64:22 So you transferred to Charleston in      65:1 2009. You were working on counterterrorism      65:2 cases but also doing some narcotics work; is      65:3 that correct?      65:4 A. Assisting with narcotics work,      65:5 again, in a small office, you assist on a      65:6 number of investigations. My primary</p>	

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65:7 responsibilities were terrorism cases.		
65:8 Q. How long were you in the Charleston		
65:9 office?		
65:10 A. In totality, I was assigned to the		
65:11 -- well, if I could, it is easier probably to		
65:12 break it down for you. I was in the Charleston		
65:13 office for approximately 15 months, and then I		
65:14 transferred to FBI headquarters as a		
65:15 supervisory special agent.		
65:16 Q. And FBI headquarters is in the		
65:17 Washington, D.C., area?		
65:18 A. Yes.		
66:19 - 67:07 <b>Cox, Darren 07-15-2020 (00:00:28)</b>		VM32.25
66:19 Q. When you moved to FBI headquarters		
66:20 in Washington in 2011, did you have a focus on		
66:21 a specific region of the country?		
66:22 A. I was -- at that point in time, I		
67:1 was responsible for working in our Weapons of		
67:2 Mass Destruction Division, and I did have a		
67:3 specific region of the country related to those		
67:4 type of investigations.		
67:5 Q. What was that region?		
67:6 A. It was the Northeast Region of the		
67:7 U.S.		
69:02 - 69:08 <b>Cox, Darren 07-15-2020 (00:00:22)</b>		VM32.26
69:2 Q. So how did you become involved with		
69:3 the task force in 2012?		
69:4 A. After I completed my assignment at		
69:5 FBI headquarters, I transferred back to the		
69:6 Charleston and Huntington resident agencies,		
69:7 and I was assigned to the Huntington Task		
69:8 Force.		
73:03 - 73:15 <b>Cox, Darren 07-15-2020 (00:00:39)</b>		VM32.27
73:3 Q. What were your responsibilities as		
73:4 coordinator of the task force?		
73:5 A. To oversee the daily operations of		
73:6 the task force and then also to be involved in		
73:7 investigations.		
73:8 Q. When you say you oversaw day-to-day		
73:9 activities, what does that mean?		

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	73:10 A. So on the task force, we had a 73:11 number of investigative entities and it was to 73:12 ensure that we were working investigations that 73:13 were consistent with what the bureau's goals 73:14 and objectives were while benefiting the states 73:15 and locals.	
86:08 - 86:20	<b>Cox, Darren 07-15-2020 (00:00:26)</b>	VM32.28
	86:8 Q. It says: "Since 1992, this 86:9 organization has brought a professional and 86:10 coordinated effort in combating crime to the 86:11 law enforcement community." 86:12 Do you see that?	
	86:13 A. Yes. 86:14 Q. Does that refresh your recollection 86:15 as to when the task force was founded?	
	86:16 A. Sure, yes. 86:17 Q. And so you believe the task force 86:18 was founded in 1992? 86:19 A. I have no reason not to believe 86:20 that.	
87:16 - 87:19	<b>Cox, Darren 07-15-2020 (00:00:07)</b>	VM32.29
	87:16 Q. And let me put it this way: Would 87:17 there be any purpose of founding a violent 87:18 crime and drug task force if there wasn't a 87:19 drug problem in the city at the time?	
88:02 - 88:02	<b>Cox, Darren 07-15-2020 (00:00:02)</b>	VM32.30
	88:2 A. Not that I am aware of.	
90:14 - 91:02	<b>Cox, Darren 07-15-2020 (00:00:40)</b>	VM32.31
	90:14 What is your understanding of the 90:15 purpose of the task force? 90:16 A. The task force in Huntington was to 90:17 combat violent crime, gang and narcotics drug 90:18 trafficking organizations. 90:19 Q. When you talk about drug trafficking 90:20 organizations, you are talking about criminal 90:21 drug trafficking organizations that are selling 90:22 either illegal narcotics or illegally diverted 91:1 prescription pills?	
	91:2 A. Yes.	
91:11 - 92:07	<b>Cox, Darren 07-15-2020 (00:00:49)</b>	VM32.32

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	<p>91:11 Q. Okay. So when you first joined the      91:12 task force in 2012, what illegal drugs were      91:13 most prevalent in the City of Huntington?      91:14 A. I would say prescription narcotics.      91:15 Q. And that would include prescription      91:16 opioids?      91:17 A. Yes.      91:18 Q. Does it include any other      91:19 prescription narcotics that are not opioids?      91:20 A. Probably, but it was mostly opioids.      91:21 Q. When you say that "mostly opioids,"      91:22 prescription opioids is the problem, you are      92:1 talking about illegally diverted prescription      92:2 opioids, correct?      92:3 A. Yes.      92:4 Q. You are not talking about someone      92:5 who receives a prescription from their doctor      92:6 and then uses the opioids in accordance with      92:7 that prescription, right?</p>	
92:09 - 93:09	<p><b>Cox, Darren 07-15-2020 (00:01:25)</b></p> <p>92:9 THE WITNESS: Correct.      92:10 BY MR. PETKIS:      92:11 Q. So in 2012, illegal diverted      92:12 prescription opioids was the most prevalent      92:13 drug in the City of Huntington.      92:14 Has that changed over time?      92:15 A. Yes, in my opinion it has.      92:16 Q. How so?      92:17 A. In the beginning, as I understood      92:18 it, my view and opinion based on working it was      92:19 that prescription narcotics were the biggest      92:20 problem. They were the biggest issue, and over      92:21 a period of time, there were a number of      92:22 investigations done that helped -- or made it      93:1 harder to obtain illegal narcotics -- illegal      93:2 prescriptions and the price of the pills on the      93:3 street went up, and as the price and      93:4 availability on the street went up or became      93:5 harder to get, people switched to heroin.      93:6 Q. So at some point after 2012, heroin</p>	VM32.33

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92:11 - 93:09	<p>93:7 became the most prevalent illegal drug in the  93:8 City of Huntington?  93:9 A. Yes, based on our investigations.</p> <p><b>Cox, Darren 07-15-2020 (00:01:22)</b></p> <p>92:11 Q. So in 2012, illegal diverted  92:12 prescription opioids was the most prevalent  92:13 drug in the City of Huntington.  92:14 Has that changed over time?  92:15 A. Yes, in my opinion it has.  92:16 Q. How so?  92:17 A. In the beginning, as I understood  92:18 it, my view and opinion based on working it was  92:19 that prescription narcotics were the biggest  92:20 problem. They were the biggest issue, and over  92:21 a period of time, there were a number of  92:22 investigations done that helped -- or made it  93:1 harder to obtain illegal narcotics -- illegal  93:2 prescriptions and the price of the pills on the  93:3 street went up, and as the price and  93:4 availability on the street went up or became  93:5 harder to get, people switched to heroin.  93:6 Q. So at some point after 2012, heroin  93:7 became the most prevalent illegal drug in the  93:8 City of Huntington?  93:9 A. Yes, based on our investigations.</p>	VM32.34
94:22 - 95:08	<p><b>Cox, Darren 07-15-2020 (00:00:26)</b></p> <p>94:22 Q. Based on your experience at the task  95:1 force, did the City of Huntington have a larger  95:2 illegal narcotics problem than other  95:3 communities in the area?  95:4 A. I think geographically that's  95:5 probably correct just because naturally, the  95:6 City of Huntington is larger than the City of  95:7 Milton or some of the other surrounding towns  95:8 in the area.</p>	VM32.35
103:09 - 103:13	<p><b>Cox, Darren 07-15-2020 (00:00:10)</b></p> <p>103:9 Q. Is it your understanding that  103:10 criminal drug trafficking organizations brought  103:11 illegal narcotics into Huntington from outside  103:12 the City of Huntington?</p>	VM32.36

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103:22 - 104:21	<p>103:13 A. Yes.</p> <p><b>Cox, Darren 07-15-2020 (00:01:02)</b></p> <p>103:22 Q. Okay. Would Detroit be one of the 104:1 sources of illegal narcotics in the City of 104:2 Huntington?</p> <p>104:3 A. Yes.</p> <p>104:4 Q. What about Mexico -- Mexican 104:5 cartels, would they be a source of the illegal 104:6 narcotics brought into the City of Huntington?</p> <p>104:7 A. I believe ultimately they would be 104:8 the, you know, probably one of the main 104:9 first-line suppliers of it, yes.</p> <p>104:10 Q. Are there any other cities or 104:11 regions that you would consider a prominent 104:12 source of illegal narcotics in the City of 104:13 Huntington?</p> <p>104:14 A. From time to time, there were other 104:15 sources, there were other cities, you know, 104:16 from time to time, we would have cases that 104:17 involved Akron, Ohio, we would have cases 104:18 involving Atlanta, Georgia, we would have cases 104:19 involving folks from Florida, so it kind of 104:20 varied but Detroit would have been probably the 104:21 most predominant.</p>	VM32.37
105:16 - 106:07	<p><b>Cox, Darren 07-15-2020 (00:00:36)</b></p> <p>105:16 Q. Are you aware of any time when 105:17 either the Huntington Police Department or the 105:18 Cabell County Sheriff's Office did not 105:19 participate in the task force?</p> <p>105:20 A. I am not aware of any.</p> <p>105:21 Q. Okay. When one of these agencies 105:22 participated in the task force, would they 106:1 provide funding to the task force?</p> <p>106:2 A. No, they would not.</p> <p>106:3 Q. The other way around, right? The 106:4 task force would provide funding to the 106:5 agencies themselves?</p> <p>106:6 A. The FBI would provide overtime 106:7 funding to the agencies.</p>	VM32.38
106:08 - 107:03	<p><b>Cox, Darren 07-15-2020 (00:00:53)</b></p>	VM32.39

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	106:8 Q. Is that the only form of funding, 106:9 overtime funding that would be provided to the 106:10 agencies? 106:11 A. Can you clarify, what do you mean by 106:12 "provided to the agencies." I'm not clear on 106:13 that. 106:14 Q. Sure. Did the FBI give any funding 106:15 to the agencies besides overtime for task force 106:16 officers? 106:17 A. No. The FBI did not. 106:18 Q. Did the FBI ever purchase equipment 106:19 to be used by the agencies? 106:20 A. The FBI would provide equipment that 106:21 would be used collectively by the task force. 106:22 Q. Would the FBI retain ownership of 107:1 that equipment in the event that the task force 107:2 ended? 107:3 A. While I was there, yes.	
123:13 - 123:21	<b>Cox, Darren 07-15-2020 (00:00:36)</b>	VM32.40
	123:13 Q. What proportion of the task force 123:14 investigations were focused on opioids? 123:15 A. I would say a very large percentage 123:16 of the Task Force's efforts. 123:17 Q. What proportion of the task force 123:18 investigations were focused on prescription 123:19 opioids in your experience? 123:20 A. It varied from time to time. It 123:21 would depend what an individual group was	
123:22 - 124:04	<b>Cox, Darren 07-15-2020 (00:00:18)</b>	VM32.41
	123:22 doing. I would say that in the beginning, my 124:1 time there, it was more driven towards 124:2 prescription narcotics. Towards the end, there 124:3 was probably a bigger percentage of heroin that 124:4 we investigated.	
124:05 - 124:12	<b>Cox, Darren 07-15-2020 (00:00:19)</b>	VM32.42
	124:5 Q. You testified earlier that Detroit 124:6 was a major source of illicit drugs trafficked 124:7 into the Huntington area; is that correct? 124:8 A. To our knowledge, yes. 124:9 Q. And Detroit was also a major source	

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126:06 - 127:16	<p>124:10 of illegally diverted prescription opioids      124:11 trafficked into the Huntington area, correct?      124:12 A. My understanding is yes.  <b>Cox, Darren 07-15-2020 (00:01:17)</b></p> <p>126:6 Q. During your time on the task force,      126:7 are you aware of any situation in which the      126:8 task force traced the source of the illegally      126:9 diverted prescription opioids back to McKesson      126:10 Corporation?      126:11 A. No, I'm not.      126:12 Q. Same question for Cardinal Health.      126:13 Are you aware of any investigation      126:14 that traced the source of illegally diverted      126:15 prescription opioids back to Cardinal Health?      126:16 A. No, I'm not.      126:17 Q. And what about AmerisourceBergen?      126:18 A. No.      126:19 Q. Okay. I think you mentioned      126:20 previously that the task force did arrest some      126:21 individuals for diverting pharmaceutical drugs;      126:22 is that correct?      127:1 A. For distributing prescription      127:2 narcotics, yes.      127:3 Q. And the assumption would be if they      127:4 are illegally distributing prescription      127:5 narcotics, then those narcotics were diverted      127:6 at some point, correct?      127:7 A. Yes.      127:8 Q. It could have been diverted either      127:9 by the person that you arrested for      127:10 distributing them or by some other criminal act      127:11 earlier in the chain, right?      127:12 A. Yes, that's correct.      127:13 Q. Okay. But it would always be a      127:14 criminal act or a criminal drug trafficking      127:15 organization that diverted the prescription      127:16 opioids, correct?</p>	VM32.43
127:20 - 127:21	<p><b>Cox, Darren 07-15-2020 (00:00:03)</b></p> <p>127:20 THE WITNESS: It would always be      127:21 someone who committed a crime, yes.</p>	VM32.44

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128:15 - 128:19	<b>Cox, Darren 07-15-2020 (00:00:10)</b> 128:15 Q. Based on your experience on the task 128:16 force, are you aware of any investigations that 128:17 revealed the McKesson Corporation had diverted 128:18 any prescription opioids? 128:19 A. Not to my knowledge.	VM32.45
129:01 - 129:03	<b>Cox, Darren 07-15-2020 (00:00:05)</b> 129:1 Q. Are you aware of any investigations 129:2 that revealed that Cardinal Health diverted any 129:3 prescription opioids?	VM32.46
129:09 - 129:09	<b>Cox, Darren 07-15-2020 (00:00:02)</b> 129:9 THE WITNESS: Not to my knowledge.	VM32.47
131:10 - 131:14	<b>Cox, Darren 07-15-2020 (00:00:10)</b> 131:10 Q. Based on your experience with the 131:11 task force and the investigations that 131:12 occurred, what is the most common way that 131:13 those individuals would have come into 131:14 possession of those illegally diverted pills?	VM32.48
132:02 - 132:11	<b>Cox, Darren 07-15-2020 (00:00:27)</b> 132:2 THE WITNESS: The individuals would 132:3 have come in possession of a larger quantity of 132:4 prescription medication and our investigations 132:5 would lead us to investigate the source of 132:6 supply of the larger amounts. 132:7 BY MR. PETKIS: 132:8 Q. And was the source of the supply for 132:9 the larger amounts of diverted prescription 132:10 opioids typically a criminal drug trafficking 132:11 organization?	VM32.49
132:18 - 132:21	<b>Cox, Darren 07-15-2020 (00:00:14)</b> 132:18 THE WITNESS: In some cases, that 132:19 would be the case. In other cases, we would 132:20 hear or learn information that they received 132:21 the drugs from a pharmacist or from a doctor.	VM32.50
133:17 - 133:18	<b>Cox, Darren 07-15-2020 (00:00:03)</b> 133:17 MR. PETKIS: I'm going to mark 133:18 Exhibit 32.	VM32.51
133:22 - 135:01	<b>Cox, Darren 07-15-2020 (00:00:58)</b> 133:22 Q. Special Agent Cox, have you seen 134:1 this document before?	VM32.52

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134:2 - 134:21	A. I have -- I may have seen the press release back in 2014, but I don't recall. Q. But it does appear to be an e-mail of a press release. You are listed on the "to" line, correct? A. Yes, I see that, yes.	
134:8 - 134:13	Q. And the title of this particular press release from the U.S. Attorney for the Southern District of West Virginia is: "Heroin and Pill Dealer Sentenced in Huntington Federal Court;" is that correct? A. Yes, that's correct.	
134:14 - 134:21	Q. The second sentence of this particular press release reads: "Chief Judge Robert C. Chambers imposed a sentence of 87 months for Golson's role in a drug conspiracy that included transporting heroin and oxycodone from Detroit, Michigan, for sale in Huntington;" is that correct? A. Yes.	
134:22 - 135:06	Q. This is an example of illegal diversion of prescription opioids, correct? <b>Cox, Darren 07-15-2020 (00:00:01)</b>	VM32.53
135:08 - 135:20	<b>135:6 THE WITNESS:</b> Yes. <b>Cox, Darren 07-15-2020 (00:00:28)</b>	VM32.54
135:8 - 135:14	Q. In the second paragraph, there is a reference to the task force and the second to last sentence reads: "Golson told agents that from January of 2010 to April of 2013, he received regular deliveries of heroin and oxycodone pills from Detroit that he sold in Huntington."	
135:15 - 135:16	Did I read that correctly? A. Yes.	
135:17 - 135:20	Q. So is it your understanding that in this particular situation, the source of the illegally diverted opioid pills was a criminal drug trafficking organization in Detroit?	
135:22 - 136:05	<b>Cox, Darren 07-15-2020 (00:00:11)</b> <b>135:22 THE WITNESS:</b> Yes.	VM32.55

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	136:1 BY MR. PETKIS: 136:2 Q. And that particular criminal drug 136:3 trafficking organization was also illegally 136:4 trafficking heroin into Huntington at the same 136:5 exact time; is that right?	
136:13 - 136:13	<b>Cox, Darren 07-15-2020 (00:00:01)</b>	VM32.56
	136:13 THE WITNESS: Yes.	
161:10 - 161:21	<b>Cox, Darren 07-15-2020 (00:00:29)</b>	VM32.57
	161:10 From your experience and based on 161:11 your involvement with the task force, has there 161:12 ever been a time when the abuse of illegal 161:13 drugs was not a problem in the City of 161:14 Huntington? 161:15 A. Not during my assignment there. 161:16 Q. And in your experience and based on 161:17 your involvement with the task force, has there 161:18 ever been a time when the abuse of illegal 161:19 drugs was not a problem in Cabell County? 161:20 A. Not during my assignment on the task 161:21 force.	
162:07 - 162:11	<b>Cox, Darren 07-15-2020 (00:00:12)</b>	VM32.58
	162:7 Q. Is it your understanding, based on 162:8 your involvement with the FBI Task Force, that 162:9 illegal drug use and abuse had been a 162:10 long-standing problem in the City of Huntington 162:11 prior to your joining in 2012?	
162:13 - 162:13	<b>Cox, Darren 07-15-2020 (00:00:01)</b>	VM32.59
	162:13 THE WITNESS: Yes.	
162:15 - 163:01	<b>Cox, Darren 07-15-2020 (00:00:21)</b>	VM32.60
	162:15 Q. Same question for Cabell County. Is 162:16 it your understanding that there had been a 162:17 long-standing illegal drug problem in Cabell 162:18 County prior to you joining in 2012? 162:19 A. Yes. 162:20 Q. It's your understanding that illegal 162:21 drugs are trafficked into Cabell County and the 162:22 City of Huntington by criminal drug trafficking 163:1 organizations, correct?	
163:08 - 163:08	<b>Cox, Darren 07-15-2020 (00:00:02)</b>	VM32.61
	163:8 A. Yes.	

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163:18 - 163:22	<b>Cox, Darren 07-15-2020 (00:00:14)</b> 163:18 Q. And those illegal drugs that are 163:19 trafficked into the City of Huntington and 163:20 Cabell County are then sold to end users by 163:21 criminal drug dealers, correct? 163:22 A. Yes.	VM32.62
164:07 - 164:12	<b>Cox, Darren 07-15-2020 (00:00:13)</b> 164:7 Q. Sure. Based on your understanding 164:8 and your experience with the task force, the 164:9 licensed pharmaceutical distributors who are 164:10 defendants in this case do not distribute any 164:11 illegal drugs, correct? 164:12 A. Not to my knowledge.	VM32.63
167:08 - 167:11	<b>Cox, Darren 07-15-2020 (00:00:05)</b> 167:8 Q. Sure. Would you agree that 167:9 defendants are not responsible for any of the 167:10 illegal drugs that have been trafficked into 167:11 Cabell County?	VM32.64
167:14 - 167:19	<b>Cox, Darren 07-15-2020 (00:00:25)</b> 167:14 THE WITNESS: So my opinion is, you 167:15 know, it's a very complex question and it's a 167:16 very complex issue and so to say that it's -- 167:17 they bear no responsibility, at some point in 167:18 time, a large volume of narcotics has increased 167:19 year after year in our area. I don't know who	VM32.65
167:20 - 168:22	<b>Cox, Darren 07-15-2020 (00:01:20)</b> 167:20 makes them. I don't know where they come from, 167:21 but basic common sense to me as a business 167:22 person understands that on a business aspect, 168:1 you have an organization that is seeing 168:2 astronomical amount of sales increase, whether 168:3 that's heroin, whether that's pills, whatever 168:4 it is, and what organization it is, and so to 168:5 say that nobody bears a responsibility for it, 168:6 somebody somewhere bears a responsibility that 168:7 at some point in time, whether it's the end 168:8 user, whether it's a local level dealer, 168:9 whether it's a doctor or a pharmacist or a 168:10 maker of narcotics, that it has increased year 168:11 after year and at some level in the City of	VM32.66

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	168:12 Huntington, Cabell County, the United States, 168:13 we don't have an astronomical increase from 168:14 year to year of people experiencing pain, so, 168:15 therefore, at some level, not -- far, far, 168:16 above my pay grade, but at some level, somebody 168:17 bears some responsibility for it and to say 168:18 that the first maker of the product bears no 168:19 responsibility for it, I can't answer that and 168:20 affirm to you whether they do or not, but 168:21 that's my stance on it and my understanding of 168:22 the problem.	
170:07 - 171:03	<b>Cox, Darren 07-15-2020 (00:00:51)</b>	VM32.67
	170:7 Q. Okay. We talked about this a little 170:8 bit previously, but would you agree that the 170:9 popularity and availability of illegal drugs 170:10 can change over time? 170:11 A. Yes. 170:12 Q. So for instance, a drug that was 170:13 very popular in the '80s might not be so 170:14 popular in the '90s, but then might make a 170:15 resurgence in the 2000s, right? 170:16 A. Yes. 170:17 Q. And as the popularity and 170:18 availability of a specific illegal drug 170:19 changes, the threats posed by that illegal drug 170:20 can also change; is that right? 170:21 A. Yes. 170:22 Q. And so the threats posed by specific 171:1 illegal drugs can ebb and flow over time as 171:2 well, right? 171:3 A. Yes.	
171:06 - 171:10	<b>Cox, Darren 07-15-2020 (00:00:17)</b>	VM32.68
	171:6 What are the factors that determine 171:7 whether a specific illegal drug will be popular 171:8 or highly accessible at any given moment? 171:9 A. I think part of it is the supply, 171:10 the cost and the availability.	
172:07 - 172:10	<b>Cox, Darren 07-15-2020 (00:00:06)</b>	VM32.69
	172:7 Q. Okay. How does the popularity and 172:8 accessibility of a particular illegal drug	

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172:14 - 173:05	172:9 relate to the threats posed by that illegal 172:10 drug? <b>Cox, Darren 07-15-2020 (00:00:45)</b> 172:14 THE WITNESS: So I would use 172:15 marijuana as an example, not my -- not an 172:16 official FBI stance but I would use marijuana 172:17 for example. 172:18 Marijuana is in higher supply now or 172:19 appears to be in higher supply now, but people 172:20 that smoke marijuana don't necessarily show the 172:21 propensity for violence and the death rate and 172:22 other violent acts as what other drugs that may 173:1 not be as available for. They may be at 173:2 cheaper cost and so there is a variety of drugs 173:3 out there that may be a high number but they 173:4 may not have the same risk factors just because 173:5 it's in a higher number.	VM32.70
174:01 - 174:04	<b>Cox, Darren 07-15-2020 (00:00:08)</b> 174:1 Q. Okay. So you did testify that price 174:2 played a role in the popularity of a specific 174:3 illegal drug, right? 174:4 A. Yes.	VM32.71
175:17 - 175:22	<b>Cox, Darren 07-15-2020 (00:00:14)</b> 175:17 Q. So in that sense, as price decreases 175:18 and supply increases, the threat for a 175:19 particular illegal drug will be higher, 175:20 correct? 175:21 A. The amount of usage would be higher, 175:22 yes.	VM32.72
176:19 - 176:20	<b>Cox, Darren 07-15-2020 (00:00:15)</b> 176:19 Q. Criminal actors set the prices for 176:20 illegal drugs like heroin, correct?	VM32.73
177:01 - 177:02	<b>Cox, Darren 07-15-2020 (00:00:05)</b> 177:1 THE WITNESS: Yes, to some degree 177:2 it's the seller and the user.	VM32.74
177:04 - 177:07	<b>Cox, Darren 07-15-2020 (00:00:09)</b> 177:4 Q. Okay. But government-licensed 177:5 distributors of legal narcotics do not set the 177:6 price in the market for illegal drugs like 177:7 heroin, right?	VM32.75

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177:11 - 177:17	<b>Cox, Darren 07-15-2020 (00:00:30)</b> 177:11 THE WITNESS: Not per se. What I 177:12 mean by that is that -- what we saw in the time 177:13 that I was on the task force, when prescription 177:14 medication becomes harder and harder to obtain, 177:15 then the price of prescription narcotics goes 177:16 up and the cost of heroin then goes down, and 177:17 so that is the way I view that.	VM32.76
177:19 - 178:07	<b>Cox, Darren 07-15-2020 (00:00:24)</b> 177:19 Q. Okay. But the licensed distributor 177:20 of legal narcotics doesn't tell a criminal drug 177:21 trafficking organization or an individual drug 177:22 dealer how much to sell their heroin for, 178:1 right? 178:2 A. Correct. 178:3 Q. The criminal drug trafficking 178:4 organization or the individual dealer, they 178:5 make the decision how much to sell their heroin 178:6 for, right? 178:7 A. Yes.	VM32.77
179:01 - 179:08	<b>Cox, Darren 07-15-2020 (00:00:23)</b> 179:1 Q. But accessibility and supply play a 179:2 role in determining the level of usage of a 179:3 particular illegal drug, right? 179:4 A. Yes. 179:5 Q. And it's criminal drug trafficking 179:6 organizations and criminal drug dealers that 179:7 determine the availability and supply of 179:8 illegal drugs in the City of Huntington, right?	VM32.78
179:12 - 179:12	<b>Cox, Darren 07-15-2020 (00:00:02)</b> 179:12 THE WITNESS: Yes, to some degree.	VM32.79
179:14 - 179:17	<b>Cox, Darren 07-15-2020 (00:00:10)</b> 179:14 Q. And licensed distributors of illegal 179:15 narcotics don't tell criminal drug trafficking 179:16 organizations or drug dealers how much of a 179:17 particular drug -- illegal drug to sell, right?	VM32.80
179:22 - 179:22	<b>Cox, Darren 07-15-2020 (00:00:01)</b> 179:22 THE WITNESS: That's correct.	VM32.81
180:02 - 180:05	<b>Cox, Darren 07-15-2020 (00:00:06)</b> 180:2 Q. The criminal drug trafficking	VM32.82

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180:09 - 180:09	180:3 organization or drug dealer, they alone make 180:4 the decision of how much a particular illegal 180:5 drug to sell, right? <b>Cox, Darren 07-15-2020 (00:00:02)</b>	VM32.83
186:01 - 186:05	180:9 THE WITNESS: Yes. Yes. <b>Cox, Darren 07-15-2020 (00:00:15)</b>	VM32.84
	186:1 Q. Is there anything unique about the 186:2 City of Huntington or Cabell County that makes 186:3 it particularly susceptible to illegal drug 186:4 use? 186:5 A. Not to my knowledge.	
186:06 - 186:08	<b>Cox, Darren 07-15-2020 (00:00:06)</b>	VM32.85
	186:6 Q. Okay. I'm going to mark two 186:7 exhibits at the same time, 46 and 47, if you 186:8 want to pull those out.	
187:06 - 187:08	<b>Cox, Darren 07-15-2020 (00:00:08)</b>	VM32.86
	187:6 Q. Who is Greg Moore? 187:7 A. Greg Moore was a member of the task 187:8 force from Huntington Police Department.	
188:10 - 188:15	<b>Cox, Darren 07-15-2020 (00:00:21)</b>	VM32.87
	188:10 Q. All right. Let's look at the next 188:11 exhibit. This is 47. 188:12 This document is titled: "FBI 188:13 Huntington Violence Crime Drug Task Force, 188:14 Huntington Interdiction Team, OCDETF Funding 188:15 Proposal," and it's dated January 27, 2015.	
188:22 - 189:05	<b>Cox, Darren 07-15-2020 (00:00:20)</b>	VM32.88
	188:22 Q. What is this document? 189:1 A. This is a document that was prepared 189:2 by myself with the assistance of some other 189:3 folks from the task force in order to get a 189:4 fund -- request funding for interdiction 189:5 program that we had in Huntington.	
194:17 - 196:05	<b>Cox, Darren 07-15-2020 (00:01:09)</b>	VM32.89
	194:17 Q. Okay. We are going to skip a 194:18 sentence, but the third sentence in this 194:19 paragraph states: "Huntington is the largest 194:20 city in the region and located approximately 194:21 300 miles south of Detroit, Michigan. It is 194:22 frequently referred to as 'Little Detroit' due	

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195:1 to the large population of former Detroit-based 195:2 heroin traffickers." 195:3 Did I read that correctly? 195:4 A. Yes. 195:5 Q. Have you ever heard of Huntington 195:6 referred to as "Little Detroit?" 195:7 A. Yes. 195:8 Q. Huntington was given that nickname 195:9 due to the large population of heroin 195:10 traffickers from Detroit? 195:11 A. Yes. 195:12 Q. The very next sentence reads: 195:13 "Huntington is a destination city known and 195:14 utilized by Detroit violent gang members and 195:15 narcotic traffickers to establish heroin 195:16 distribution points in other parts of the 195:17 tri-state region. The Huntington area is a 195:18 well-known regional distribution hub for the 195:19 entire tri-state region for illegal drugs, 195:20 which has resulted in a deterioration of the 195:21 area with increased slum and blighting 195:22 conditions." 196:1 Did I read that correctly? 196:2 A. Yes. 196:3 Q. In your experience, is the City of 196:4 Huntington a destination city for violent gang 196:5 members and narcotics traffickers from Detroit?		
196:07 - 196:07 <b>Cox, Darren 07-15-2020 (00:00:01)</b>		VM32.90
196:09 - 196:11 <b>Cox, Darren 07-15-2020 (00:00:10)</b>		VM32.91
214:18 - 214:21 <b>Cox, Darren 07-15-2020 (00:00:08)</b>		VM32.92
215:02 - 215:02 <b>Cox, Darren 07-15-2020 (00:00:01)</b>		VM32.93

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225:06 - 225:10	<b>Cox, Darren 07-15-2020 (00:00:08)</b> 225:6 Q. Based on your experience with law enforcement and the task force, are there any 225:8 years you are aware of where cocaine and crack 225:9 cocaine was not being illegally sold and abused 225:10 in the City of Huntington?	VM32.94
225:12 - 225:12	<b>Cox, Darren 07-15-2020 (00:00:03)</b>	VM32.95
227:02 - 227:05	225:12 THE WITNESS: Not to my knowledge. <b>Cox, Darren 07-15-2020 (00:00:06)</b>	VM32.96
	227:2 Q. What about based on your personal 227:3 experience growing up in West Virginia, are you 227:4 aware of heroin use in the State of West 227:5 Virginia prior to 2012?	
227:07 - 227:11	<b>Cox, Darren 07-15-2020 (00:00:13)</b> 227:7 THE WITNESS: You know, heroin was 227:8 something that I rarely heard of growing up in 227:9 West Virginia. Prior to my law enforcement 227:10 experience, it was -- heroin was not very 227:11 prevalent.	VM32.97
229:13 - 229:22	<b>Cox, Darren 07-15-2020 (00:00:33)</b> 229:13 Q. Based on your experience with the 229:14 task force, are all of these different types of 229:15 heroin listed here, black tar, brown and 229:16 Mexican, illegally sold and abused in the City 229:17 of Huntington and Cabell County? 229:18 A. You know, I am trying to recall if 229:19 we had any black tar heroin. I think that we 229:20 did, but it would have been very small amounts. 229:21 If we had it during my time, it would be very 229:22 small amounts.	VM32.98
230:01 - 230:07	<b>Cox, Darren 07-15-2020 (00:00:14)</b> 230:1 Q. Okay. To the best of your 230:2 knowledge, to the extent these different types 230:3 of heroin are present in the City of Huntington 230:4 or Cabell County, is it your understanding that 230:5 they were illegally trafficked by criminal drug 230:6 trafficking organizations? 230:7 A. Yes.	VM32.99
231:04 - 231:18	<b>Cox, Darren 07-15-2020 (00:00:44)</b> 231:4 Q. Has Xanax ever been a threat to the	VM32.100

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	<p>231:5 City of Huntington or Cabell County?</p> <p>231:6 A. Yes. It's used. It's an illegal</p> <p>231:7 drug that is used in the City of Huntington</p> <p>231:8 from my understanding.</p> <p>231:9 Q. When you say "it's an illegal drug,"</p> <p>231:10 you mean it's a prescription drug that is</p> <p>231:11 illegally diverted, correct?</p> <p>231:12 A. Yes.</p> <p>231:13 Q. Based on your knowledge and</p> <p>231:14 understanding and participation in the task</p> <p>231:15 force, are there any years in which Xanax was</p> <p>231:16 not being illegally diverted in the City of</p> <p>231:17 Huntington and Cabell County?</p> <p>231:18 A. Not to my knowledge.</p>	
233:10 - 233:12	<b>Cox, Darren 07-15-2020 (00:00:05)</b>	VM32.101
	<p>233:10 Q. Why did the task force track these</p> <p>233:11 three different line items for methamphetamine</p> <p>233:12 only?</p>	
233:14 - 235:04	<b>Cox, Darren 07-15-2020 (00:01:52)</b>	VM32.102
	<p>233:14 THE WITNESS: My understanding was</p> <p>233:15 that methamphetamine use had been more</p> <p>233:16 prevalent at one point in time, and the</p> <p>233:17 manufacture and individual labs within the area</p> <p>233:18 had been more prevalent prior to me getting on</p> <p>233:19 the task force and that's why these boxes would</p> <p>233:20 have been there to track that.</p> <p>233:21 BY MR. PETKIS:</p> <p>233:22 Q. When you say that "there is a point</p> <p>234:1 in time where it was more prevalent," what are</p> <p>234:2 you referring to?</p> <p>234:3 A. At some point in time, I would --</p> <p>234:4 probably before I was on the task force, there</p> <p>234:5 was -- it was more prevalent that people would</p> <p>234:6 make methamphetamine. They would use different</p> <p>234:7 types of methods to make methamphetamine at</p> <p>234:8 their house or other places rather than</p> <p>234:9 importing it in from outside the state.</p> <p>234:10 Q. Was there a point in time where</p> <p>234:11 there was a switch and imported methamphetamine</p> <p>234:12 became more prevalent than single use or</p>	

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	234:13 homemade methamphetamine? 234:14 A. Yes. 234:15 Q. And when did that occur? 234:16 A. I don't know exactly. Probably 234:17 sometime prior to 2012. The use of meth -- 234:18 methamphetamine imported in was not very high 234:19 and the production of it was basically the only 234:20 method, almost the only method in the area. 234:21 Q. But at some point, the importation 234:22 of methamphetamine by criminal drug trafficking 235:1 organizations increased; is that right? 235:2 A. Yes. 235:3 Q. What is your understanding of the 235:4 source of that imported methamphetamine?	
235:06 - 235:07	<b>Cox, Darren 07-15-2020 (00:00:05)</b>	VM32.103
	235:6 THE WITNESS: It would be coming 235:7 from Mexico predominantly.	
235:09 - 235:16	<b>Cox, Darren 07-15-2020 (00:00:20)</b>	VM32.104
	235:9 Q. When that shift occurred and 235:10 imported Mexican methamphetamine became more 235:11 common, did the threat posed by methamphetamine 235:12 in the City of Huntington and Cabell County 235:13 increase or decrease? 235:14 A. I wasn't on the task force when that 235:15 happened, so I don't know the current state of 235:16 methamphetamine used in Huntington.	
236:18 - 236:22	<b>Cox, Darren 07-15-2020 (00:00:10)</b>	VM32.105
	236:18 Q. Are you aware, based on your 236:19 experience and participation in the task force, 236:20 of any years where methamphetamine was not 236:21 being illegally sold and abused in the City of 236:22 Huntington?	
237:02 - 237:02	<b>Cox, Darren 07-15-2020 (00:00:02)</b>	VM32.106
	237:2 THE WITNESS: I'm not.	
242:03 - 243:08	<b>Cox, Darren 07-15-2020 (00:01:13)</b>	VM32.107
	242:3 Q. And you testified that the task 242:4 force did have a number of law enforcement 242:5 interactions with people who were involved in 242:6 illegal diversion of prescription opioids, 242:7 correct?	

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242:8	A. Yes.	
242:9	Q. You also testified that to the best	
242:10	of the Task Force's ability, it would make an	
242:11	attempt to trace the source of those illegally	
242:12	diverted prescription opioids, correct?	
242:13	A. Yes.	
242:14	Q. And I believe you also testified	
242:15	that in the majority of cases, the source of	
242:16	the illegally diverted prescription opioids was	
242:17	criminal drug trafficking organizations from	
242:18	outside the City of Huntington, right?	
242:19	A. Yes.	
242:20	Q. Do you know what proportion of those	
242:21	illegally diverted prescription opioids	
242:22	involved in the interactions you are describing	
243:1	came from a pharmacy within the City of	
243:2	Huntington?	
243:3	A. I do not.	
243:4	Q. Do you know what proportion of those	
243:5	illegally diverted prescription opioids came	
243:6	from a doctor in the City of Huntington who was	
243:7	prescribing without a legitimate medical	
243:8	purpose?	
243:10 - 243:10	<b>Cox, Darren 07-15-2020 (00:00:02)</b>	VM32.108
243:10	THE WITNESS: I do not.	
243:12 - 243:16	<b>Cox, Darren 07-15-2020 (00:00:10)</b>	VM32.109
243:12	Q. Do you have any knowledge of what	
243:13	portion of those illegally diverted	
243:14	prescription opioids were shared between family	
243:15	members or stolen from a medicine cabinet in	
243:16	the City of Huntington?	
243:18 - 243:18	<b>Cox, Darren 07-15-2020 (00:00:02)</b>	VM32.110
243:18	THE WITNESS: I do not.	
245:09 - 245:18	<b>Cox, Darren 07-15-2020 (00:00:32)</b>	VM32.111
245:9	Q. Based on your law enforcement	
245:10	experience and participation in the task force,	
245:11	what kinds of opioids were involved in the	
245:12	opioid epidemic or opioid crisis in the City of	
245:13	Huntington?	
245:14	A. I think initially, it was	

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247:01 - 247:02	245:15 prescription drug pills and when I think of the 245:16 crisis, I -- that's what I think of. And then 245:17 I think of -- now turn to heroin, but I think 245:18 initially, it was prescription narcotics. <b>Cox, Darren 07-15-2020 (00:00:04)</b>	VM32.112
247:07 - 247:11	247:1 Q. Do you believe that the City of 247:2 Huntington is facing an opioid crisis today? <b>Cox, Darren 07-15-2020 (00:00:15)</b>	VM32.113
247:13 - 247:19	247:7 THE WITNESS: I don't really have a 247:8 basis. I'm not in Huntington. I haven't been 247:9 there for a while but certainly, what I read in 247:10 the newspaper, I would think that they still 247:11 do, just -- yes. The effects of it. <b>Cox, Darren 07-15-2020 (00:00:20)</b>	VM32.114
247:20 - 248:02	247:13 Q. When you referenced things that 247:14 you've read in the newspaper, what are you 247:15 referring to? 247:16 A. Just about arrests, things that -- 247:17 about arrests related to drug abuse, drug 247:18 investigations, theft, child abuse. Things 247:19 that ultimately have a drug connection to them. <b>Cox, Darren 07-15-2020 (00:00:10)</b>	VM32.115
248:04 - 248:15	247:20 Q. I believe you testified previously 247:21 that as between prescription opioids and 247:22 illegal opioids like heroin and fentanyl, the 248:1 illegal opioids are more prevalent at this 248:2 time; is that right? <b>Cox, Darren 07-15-2020 (00:00:28)</b>	VM32.116
	248:4 THE WITNESS: I believe they became 248:5 more prevalent after the prescription pills, 248:6 yes. 248:7 BY MR. PETKIS: 248:8 Q. And that was -- that happened during 248:9 the time that you were assigned to the task 248:10 force, right? 248:11 A. Yes. They started becoming more 248:12 prevalent as -- towards the end of my tenure on 248:13 the task force. 248:14 Q. To the best of your knowledge, has 248:15 that trend continued?	

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248:20 - 248:20	<b>Cox, Darren 07-15-2020 (00:00:01)</b> 248:20 THE WITNESS: Yes.	VM32.117
249:01 - 249:05	<b>Cox, Darren 07-15-2020 (00:00:15)</b> 249:1 Based on -- based on your law 249:2 enforcement experience and participation in the 249:3 task force, what portion of the opioid crisis 249:4 or opioid epidemic from 2012 to 2015, do you 249:5 attribute to prescription opioids?	VM32.118
249:11 - 249:18	<b>Cox, Darren 07-15-2020 (00:00:28)</b> 249:11 THE WITNESS: I believe that the 249:12 prescription medication played a significant 249:13 role in the opioid epidemic, and I believe that 249:14 after individuals were on prescription 249:15 medication, prescription medication became 249:16 higher -- started being worked more by law 249:17 enforcement, drove the price up and the supply 249:18 down, people transitioned to heroin.	VM32.119
249:20 - 250:04	<b>Cox, Darren 07-15-2020 (00:00:18)</b> 249:20 Q. What is the basis for your 249:21 understanding that people may have transitioned 249:22 from prescription opioid use to heroin use? 250:1 A. Conversations with individuals that 250:2 we arrested, conversations with individuals 250:3 that we talked to within the community and the 250:4 drug culture.	VM32.120
250:05 - 250:07	<b>Cox, Darren 07-15-2020 (00:00:10)</b> 250:5 Q. Does the task force, to the best of 250:6 your knowledge, keep any data on what drug 250:7 someone started with after they're arrested?	VM32.121
250:09 - 250:15	<b>Cox, Darren 07-15-2020 (00:00:16)</b> 250:9 THE WITNESS: No, not to my 250:10 knowledge. 250:11 BY MR. PETKIS: 250:12 Q. What proportion of the individuals 250:13 who you believe abused prescription opioids 250:14 prior to using heroin, had a valid prescription 250:15 for those prescription opioids?	VM32.122
250:17 - 250:17	<b>Cox, Darren 07-15-2020 (00:00:02)</b> 250:17 THE WITNESS: I don't know.	VM32.123
251:22 - 252:09	<b>Cox, Darren 07-15-2020 (00:00:25)</b>	VM32.124

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251:22	Q. But you don't know how many of those	
252:1	people who transitioned had an actual valid	
252:2	prescription for prescription opioids, right?	
252:3	A. I do not.	
252:4	Q. And you don't know how many of those	
252:5	people who may have transitioned from	
252:6	prescription opioids to illegal opioids like	
252:7	heroin were using illegally diverted	
252:8	prescription opioids?	
252:9	A. I do not.	
252:18 - 255:10	<b>Cox, Darren 07-15-2020 (00:02:25)</b>	VM32.125
252:18	Q. Have you ever interviewed anyone who	
252:19	started with another illegal drug and then	
252:20	began using heroin?	
252:21	A. Yes.	
252:22	Q. So you referenced some interviews	
253:1	that you had with people who began with	
253:2	prescription opioids and transitioned to	
253:3	heroin.	
253:4	Do you remember that?	
253:5	A. Yes.	
253:6	Q. How many times has that occurred?	
253:7	A. I can't put a number on it. More	
253:8	than once.	
253:9	Q. Do you recall any of the specific	
253:10	interviews where someone mentioned that they	
253:11	began with prescription opioids and then	
253:12	transitioned to heroin?	
253:13	A. I don't. It would be a -- during	
253:14	the course of our investigations and	
253:15	interviews, we talked to a lot of people and we	
253:16	would ask, I would frequently ask, how did you	
253:17	get on this, what happened, what kind of --	
253:18	what your story is, and so I have talked to a	
253:19	number of people that used pills and	
253:20	transitioned from pills to heroin.	
253:21	Q. Sitting here today, you can't	
253:22	remember any specific stories along those	
254:1	lines?	
254:2	MR. PENDELL: Objection.	

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254:3 - 254:10	254:3 THE WITNESS: What are you wanting 254:4 as far as a story, like, specifically. 254:5 BY MR. PETKIS: 254:6 Q. Well, you are referencing a number 254:7 of interviews that you had with people who 254:8 transitioned from heroin -- I'm sorry, from 254:9 prescription opioids to heroin, right? 254:10 A. Yes.	
254:11 - 255:10	254:11 Q. Are you thinking of anyone in 254:12 particular? Do you have any specific 254:13 recollection of those conversations? 254:14 A. I do. I remember one. I don't know 254:15 their names but I do remember one couple that 254:16 we interviewed in Huntington who -- and when I 254:17 say "interviewed," we talked to them during a 254:18 -- during an interdiction or arrest type of 254:19 activity, talked to them about how they got on 254:20 heroin. 254:21 And I remember husband and wife and 254:22 they said that initially, heroin was, like, 255:1 scared the daylights out of them. That they 255:2 never thought in a million years that they 255:3 would use heroin because they had to stick a 255:4 needle in their arm, but the addiction of the 255:5 pills was something that drove them to do it, 255:6 and the supply of pills, the cost of pills, 255:7 that heroin was much cheaper and that 255:8 eventually, they decided that they could 255:9 apparently get around the use of a needle and 255:10 they transitioned to heroin.	
255:11 - 255:15	<b>Cox, Darren 07-15-2020 (00:00:11)</b>	VM32.126
255:11 - 255:15	255:11 Q. This particular story you are 255:12 referencing, did you ask those people whether 255:13 or not they had a valid prescription for 255:14 prescription opioids or whether they were using 255:15 illegally diverted prescription opioids?	
255:17 - 255:22	<b>Cox, Darren 07-15-2020 (00:00:08)</b>	VM32.127
255:17 - 255:19	255:17 THE WITNESS: No, I did not. 255:18 BY MR. PETKIS: 255:19 Q. Do you have an understanding of	

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256:02 - 256:09	255:20 whether they had a valid prescription or 255:21 whether or not they were using illegally 255:22 diverted prescription opioids? <b>Cox, Darren 07-15-2020 (00:00:15)</b>	VM32.128
	256:2 THE WITNESS: No, I do not. 256:3 BY MR. PETKIS: 256:4 Q. Can you recall any interviews where 256:5 you did ask that question of whether someone 256:6 had a valid prescription or whether or not they 256:7 were using illegally diverted prescription 256:8 opioids? 256:9 A. No, I can't.	
258:02 - 258:06	258:2 Q. So is it fair to say then that the 258:3 vast majority, if not all of the people the 258:4 task force arrested with prescription opioids 258:5 had possession of illegally diverted 258:6 prescription opioids?	VM32.129
258:08 - 258:12	<b>Cox, Darren 07-15-2020 (00:00:06)</b> 258:8 THE WITNESS: Yes. 258:9 BY MR. PETKIS: 258:10 Q. So those people would have received 258:11 their prescription opioid pills from a criminal 258:12 drug dealer, right?	VM32.130
258:14 - 259:08	<b>Cox, Darren 07-15-2020 (00:00:37)</b> 258:14 THE WITNESS: The majority, yes. 258:15 There were cases that we would have where 258:16 individuals would have a legitimate 258:17 prescription and then they would sell those and 258:18 if we were buying pills off of them that they 258:19 had a legitimate prescription for, we would 258:20 arrest that person even though they had a 258:21 legitimate prescription for that but those 258:22 cases were less frequent. 259:1 BY MR. PETKIS: 259:2 Q. And you would arrest those people 259:3 because selling prescription opioids, even if 259:4 you have a valid prescription is criminal, 259:5 correct? 259:6 A. Yes.	VM32.131

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	259:7 Q. It's a form of diversion? 259:8 A. Yes.	
293:12 - 293:15	<b>Cox, Darren 07-15-2020 (00:00:08)</b> 293:12 Q. In your experience with the task 293:13 force, did the task force interact at all with 293:14 the West Virginia Board of Medicine as part of 293:15 its diversion investigations?	VM32.132
293:21 - 294:01	<b>Cox, Darren 07-15-2020 (00:00:09)</b> 293:21 THE WITNESS: I can't say that we 293:22 never interacted with them, but that was -- we 294:1 rarely, if at all, interacted with them.	VM32.133
294:03 - 294:11	<b>Cox, Darren 07-15-2020 (00:00:20)</b> 294:3 Q. Okay. So sitting here today, you 294:4 can't specifically recall any instances where 294:5 the task force interacted with the West 294:6 Virginia Board of Medicine on a diversion 294:7 investigation? 294:8 A. Not in our investigations. 294:9 Q. Okay. Did the task force interact 294:10 at all with the West Virginia Board of Pharmacy 294:11 on any diversion investigation?	VM32.134
294:16 - 294:16	<b>Cox, Darren 07-15-2020 (00:00:03)</b> 294:16 THE WITNESS: Generally, no.	VM32.135
294:18 - 294:21	<b>Cox, Darren 07-15-2020 (00:00:07)</b> 294:18 Q. And sitting here today, you can't 294:19 remember any specific investigations where the 294:20 task force worked with the West Virginia Board 294:21 of Pharmacy on diversion investigations?	VM32.136
295:02 - 295:02	<b>Cox, Darren 07-15-2020 (00:00:01)</b> 295:2 THE WITNESS: No.	VM32.137
297:22 - 298:02	<b>Cox, Darren 07-15-2020 (00:00:07)</b> 297:22 Q. For instance, the task force would 298:1 not investigate a doctor who was writing 298:2 legitimate prescriptions, correct?	VM32.138
298:04 - 298:05	<b>Cox, Darren 07-15-2020 (00:00:04)</b> 298:4 THE WITNESS: Correct. That was not 298:5 within our investigative additive.	VM32.139
298:07 - 298:14	<b>Cox, Darren 07-15-2020 (00:00:19)</b> 298:7 Q. Based on your experience with the 298:8 task force, are you familiar with something	VM32.140

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	298:9 called an ARCOS database? 298:10 A. I am not. 298:11 Q. Based on your experience with the 298:12 task force, you are not aware of any situation 298:13 where the task force made use of the ARCOS 298:14 database as part of a diversion investigation?	
298:19 - 298:19	<b>Cox, Darren 07-15-2020 (00:00:02)</b>	VM32.141
	298:19 THE WITNESS: I'm not.	
298:21 - 299:08	<b>Cox, Darren 07-15-2020 (00:00:27)</b>	VM32.142
	298:21 Q. Based on your experience with the 298:22 task force, are you familiar with the West 299:1 Virginia Board of Pharmacy controlled substance 299:2 monitoring program, also sometimes called CSAP? 299:3 A. No. 299:4 Q. Based on that answer, I'm going to 299:5 assume based on your involvement with the task 299:6 force, you are not aware of the task force ever 299:7 using CSAP as part of a diversion 299:8 investigation?	
299:10 - 299:13	<b>Cox, Darren 07-15-2020 (00:00:09)</b>	VM32.143
	299:10 THE WITNESS: The FBI did not run 299:11 diversion investigations on doctors or 299:12 pharmacies. That was done by someone else 299:13 outside the task force.	
299:15 - 299:16	<b>Cox, Darren 07-15-2020 (00:00:03)</b>	VM32.144
	299:15 Q. Who outside the task force would be 299:16 responsible for those investigations?	
299:21 - 299:22	<b>Cox, Darren 07-15-2020 (00:00:04)</b>	VM32.145
	299:21 THE WITNESS: Other members of the 299:22 FBI in Huntington or Charleston.	
300:08 - 300:15	<b>Cox, Darren 07-15-2020 (00:00:22)</b>	VM32.146
	300:8 Q. Are you familiar with the term 300:9 "Suspicious Order Report?" 300:10 A. I am not. 300:11 Q. Are you aware, based on your 300:12 involvement with the task force, of the task 300:13 force ever having used a Suspicious Order 300:14 Report in connection with a diversion 300:15 investigation?	
300:20 - 300:20	<b>Cox, Darren 07-15-2020 (00:00:01)</b>	VM32.147

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311:09 - 311:21	<p>300:20 THE WITNESS: I am not.  <b>Cox, Darren 07-15-2020 (00:01:58)</b>  311:9 MR. PETKIS: I'm going to mark  311:10 Exhibit 56.  311:11 (Deposition Exhibit 56 was marked  311:12 for identification.)  311:13 BY MR. PETKIS:  311:14 Q. Let me know once you have had a  311:15 chance to review that.  311:16 A. Okay.  311:17 Q. This exhibit is a combined e-mail  311:18 attachment.  311:19 Do you see yourself copied on the  311:20 first e-mail there dated January 19, 2016?  311:21 A. I do.</p>	VM32.148
313:17 - 314:01	<p><b>Cox, Darren 07-15-2020 (00:00:14)</b>  313:17 The very first paragraph begins:  313:18 "Huntington, West Virginia, to a lesser extent,  313:19 Charleston, West Virginia, are major  313:20 destinations for traffickers transporting  313:21 controlled pharmaceutical drugs (CPDs) and  313:22 heroin from Detroit, Michigan."</p>	VM32.149
314:02 - 314:02	<p>314:1 Do you see that?  <b>Cox, Darren 07-15-2020 (00:00:01)</b></p>	VM32.150
314:14 - 316:04	<p>314:2 A. Yes.  <b>Cox, Darren 07-15-2020 (00:01:48)</b>  314:14 Q. The very next sentence here reads:  314:15 "Although the movement of CPDs from Detroit to  314:16 West Virginia has been stable, for the past  314:17 several years, the volume of heroin trafficking  314:18 is increasing as heroin abuse expands in West  314:19 Virginia."  314:20 Did I read that correctly?  314:21 A. Yes.  314:22 Q. Is that consistent with your  315:1 understanding of the volume of prescription  315:2 drug trafficking compared to heroin trafficking  315:3 around the time you left the task force in  315:4 2015?  315:5 A. No. I would -- in my opinion, no.</p>	VM32.151

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315:6	Q. And why not?	
315:7	A. I believe the prescription	
315:8	medication decreased and heroin increased.	
315:9	Q. Okay. Understood. So where it says	
315:10	here that: "The movement of CPDs from Detroit	
315:11	to West Virginia has been stable," you disagree	
315:12	because you believe it actually decreased,	
315:13	correct?	
315:14	A. Yes.	
315:15	Q. The next paragraph begins: "As	
315:16	heroin abuse and trafficking in West Virginia	
315:17	have increased, Detroit traffickers have	
315:18	swiftly exploited their CPD trafficking	
315:19	connections and methods to sell heroin in	
315:20	Huntington and Charleston and by extension,	
315:21	rural West Virginia."	
315:22	Did I read that correctly?	
316:1	A. Yes.	
316:2	Q. Do you agree with that assessment	
316:3	based on your work with the task force at the	
316:4	time you left in 2015?	
316:07 - 316:07	<b>Cox, Darren 07-15-2020 (00:00:01)</b>	VM32.152
316:09 - 316:12	<b>Cox, Darren 07-15-2020 (00:00:08)</b>	VM32.153
316:16 - 316:16	<b>Cox, Darren 07-15-2020 (00:00:01)</b>	VM32.154
316:18 - 316:21	<b>Cox, Darren 07-15-2020 (00:00:08)</b>	VM32.155
317:03 - 317:03	<b>Cox, Darren 07-15-2020 (00:00:01)</b>	VM32.156
317:05 - 317:14	<b>Cox, Darren 07-15-2020 (00:00:24)</b>	VM32.157

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	<p>317:7 down prices and contribute to an uptick in      317:8 trafficking-related violence in West Virginia."</p> <p>317:9 Did I read that correctly?</p> <p>317:10 A. Yes.</p> <p>317:11 Q. Is that statement consistent with      317:12 your understanding at the time you left the      317:13 task force in 2015?</p> <p>317:14 A. Yes.</p>	
321:13 - 321:22	<p><b>Cox, Darren 07-15-2020 (00:00:28)</b></p> <p>321:13 Q. Based on your law enforcement      321:14 experience and your work with the task force,      321:15 is it your understanding that part of what      321:16 makes illegal drugs so dangerous is that they      321:17 can be laced with other drugs?</p> <p>321:18 A. Yes.</p> <p>321:19 Q. And the end user of those illegal      321:20 drugs might not know that the drugs are laced      321:21 with something else, correct?</p> <p>321:22 A. Correct.</p>	VM32.158
339:02 - 340:03	<p><b>Cox, Darren 07-15-2020 (00:00:56)</b></p> <p>339:2 Q. So, Special Agent Cox, you recall      339:3 earlier I asked you some questions about the      339:4 techniques and methods that the task force used      339:5 as part of its diversion investigations.</p> <p>339:6 Do you remember that?</p> <p>339:7 A. Yes.</p> <p>339:8 Q. Based on your experience with the      339:9 task force, did the task force make use of      339:10 either physical or electronic surveillance as      339:11 part of its diversion investigations?</p> <p>339:12 A. Yes.</p> <p>339:13 Q. Did the task force make use of      339:14 confidential informants as part of its      339:15 diversion investigations?</p> <p>339:16 A. Yes.</p> <p>339:17 Q. Did the task force make use of      339:18 cooperating defendants as part of its diversion      339:19 investigations?</p> <p>339:20 A. Yes.</p> <p>339:21 Q. And did the task force make use of</p>	VM32.159

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	339:22 wiretaps as part of its diversion 340:1 investigations? 340:2 A. During my time, we did not, but we 340:3 have the capabilities.	

Defendants' Affirmatives = 00:40:43

Plaintiffs' Counters = 00:07:55

Defendants' Completeness = 00:04:29

Plaintiffs' Completeness = 00:07:38

**Total Time = 01:00:44**